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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUN 28 2013

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Alita Jones

(Name of the plaintiff or plaintiffs)

City of Chicago Board of Education

(Name of the defendant or defendants)

CIVIL ACTION

13cv4732

Judge Marvin E. Aspen

Magistrate Jeffrey T. Gilbert

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Alita Jones of the county of
Cook in the state of Illinois.

3. The defendant is City of Chicago Board of Education, whose street address
is 125

(city) Chicago (county) Cook (state) Illinois (ZIP) 60603
(Defendant's telephone number) (773)-553-1700

II The plaintiff sought employment or was employed by the defendant at (street address)

(city) _____
(county) _____ (state) _____ (ZIP code) _____

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
(b) ☒ was hired and is still employed by the defendant.
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) Dec, (day) 27, (year) 2012. Ongoing discrimination
and retaliation since 1998 Oct.

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☒ has filed a charge or charges against the defendant asserting the acts of

discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about
(month) March (day) 28 (year) 2013.(ii) ☐ the Illinois Department of Human Rights, on or about
(month) _____ (day) _____ (year) _____.(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☒ NO,*I don't have a copy of my charge with EEOC at this time***but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____☐ No, did not file Complaint of Employment Discrimination2. The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.
- (b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) March (day) 28 (year) 2013 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
- Also I am bring a claim under 42 U.S.C. §§1983 and ERISA
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): I have a pending case at the Workers
Industrious Commission, where I was assaulted at work, pushed
down the stairs and became disabled. My employer has changed my years
of service and salary without notification to me. My employer stop paying
me and they said I had been medically released by treating physician
but 3 of my treating physician have concurred that I could not return to work
and that my disability is permanent. My employer withheld contributions to my
pension and refuse to provide the alleged medical release by treating doctor and owes
me back wages

which
they
have
not
done.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I have asked my employer to provide the medical release
I am over 50 years old and younger employees are treated
differently. My employer continues to change my salary
and have not paid me the correct salary. I have
asked for grievance to be heard and they have not
responded to me or honor the Union Contract articles

14. ^{concerning me 44-8133+12} [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☐ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☐ Direct the defendant to (specify): To pay salary correct
amount for years of service. Provide the alleged
medical release by my treating physician and award
for damages causing me hardship financial with
interest front and back pay

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
(h) ☐ Grant such other relief as the Court may find appropriate.

Alma Jones

Plaintiff's signature

Alita Jones

Plaintiff's name

Plaintiff's street address 12215 South Elizabeth Street

City Chgo State IL ZIP 60643

Plaintiff's telephone number 773-865-8231

Date: June 28, 2013

EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Alita M. Jones
12215 South Elizabeth Street
Chicago, IL 60643

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2013-02059

Joseph E. Kuhel,
Investigator

(312) 569-8039

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☐

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☒

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

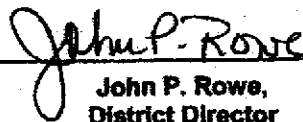
☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


John P. Rowe,
District Director

MAR 28 2013

(Date Mailed)

Enclosures(s)

CC: CHICAGO BOARD OF EDUCATION

I have not received the correct earned income this include a pay raise I worked for and 9 of my sick days were taken.

My employment seniority date has been changed several times along with salary which effects my eligibility for my pension and other benefits.

I am filing a claim against the defend pursuant to ERISA, because I have been denied health insurance and other benefits due to unfair labor practice by my employer. I did not receive notification by employer regarding these changes to my benefits and other earned income.

I believe my employer has been discriminating against and on going retaliation because of my 16 year pending workers comp case.

My employer has change my salary but they stated they paid per Union Contract and took me off of workers comp when they did not, which has effected my retirement earned income benefits. I have asked my employer to give me the correct years of service and salary they have refused to state it to me.

I believe my employer's Insurance Carrier have continued to harassed me by phone and taping of my phone and mail tampering of my mail and my mother's mail. The investigators (workers comp) have interferred with me worshipping in church and one of the investigator had attempt to entered into my home.

I have experieced phone narassments and filed police reports since 2002 until the present. I believe the Chicago Police Dept. does not investigate my complaints because it would link back to the City of Chicago Chicago Board of Education Insurance Carriers.

Now the caregivers that are coming to my home to service my mother whom is diagnosed with breast cancer have experieced phone harassment some of them by phone to not service my mother. I also believe some of the caregivers that were suppose to be from the agency were sent by workers comp to me under surveillance in my home, which they took unauthorized photos in my home and tampered with my computer.

My employer never tried to accommodate my disability they tried to send me to another place of employment when I became disabled. My employer violated the Union Contract Agreement Article 44-8 which states employees that are assaulted at work shall not lose any sick days and receive their full salary while they were temporary disabled. My employer only gave me benefits for 1 year and took benefits and made changes such as placing me on Duty Disability without giving me notice of the change. According to their own records they (CPS / Board of Ed) cited they took me off of workers comp and paid me accordance to Union contract, which I did not receive.

Employees that are younger are not treated unfairly or those that don't have disabilities. My employer also violates Article 33-12 which states there is not to be a break in years of service if employee is out on workers comp. My employer willfully violated my rights and have intentionally inflicted emotional distress and causing me financial hardship. My employer has withheld benefits from 6 months without any notification. My employer refuses to settled with me and owes me back pay. I believe they are retaliating against me because of my workers comp claim.

My employer's insurance carrier has special investigator badges which they have abused to surveillance me and stop my mother from receiving care giving service and this would effect her progress to continue to receive chemo treatment for cancer which is why I brought my mother to Chicago. I contacted various agencies this includes the States Attorney Office, FBI, Office of Inspector General and they have not help me. Every hospital I visited my mother at workers comp investigators came there. I was approached by one of them at Northwestern hospital in 2012 I had to give my mother an alias. I contacted my phone carrier Vonage I was told by them that my phone could only be taped from inside of my home. It is unfortunate my mother may have to stop her cancer treatment and return to Texas since the workers comp investigators wants to continue harassing me and the care givers (some of them).

My employer has failed to provide a work release by my treating physician and I have provided my employer with my treating physician statement, citing they have not medically released me. I went to the Dept. of Labor to get this aledge doctors release and they / Dept of Labor did not enforce the Board of Ed to provide the release statement although it was mailed with proof of service.. I have alot debt and medical bills and my employer owes me back pay and front pay, that I need to survive. To return to any job you must have a statement from your doctor, my employer insist my doctor released me and yet will not provide the release. My doctors have sent statements to the Board of Ed stating my disability is permanent and further surgery is needed. My employer has changed my service dates several times and will not give me an answer when I asked them this includes my salary.